



Jefferson County Weed District

P.O. Box H
111 Odyssey Lane
Boulder, MT 59632
(406) 225-4165

JEFFERSON COUNTY WEED CONTROL DISTRICT NOXIOUS WEED ENFORCEMENT AND COMPLAINT POLICY

The purpose of this policy is to implement the Weed Management Program of the Montana Local County Weed Act

Complaints are specific written accusations of noxious weed infestations and will proceed within the context of the Montana Weed Control Act. Complaints can be generated by the Board; through its authorized agent or a member of the public.

Reports are verbal or incomplete accounts of noxious weed infestations and will be addressed depending upon priority category of the weed, time available to research the report and other labor constraints. Unsigned, anonymous, incomplete or verbal Complaints are considered Reports.

A Complaint Form accompanies this document.

All complaints must:

- a. Be dated
- b. Be in writing and legible with the complainant's name printed
- c. Specifically detail the nature and location of the Complaint
- d. Specify the person about whom the Complaint is directed: i.e. the Landowner with the noxious weeds
- e. Be signed
- f. Only 1 property may be listed on each complaint form
- g. All written complaints are public documents and may be released upon request to interested individuals

WHAT ARE NOXIOUS WEEDS

Noxious weeds are non-native plants that compete with desirable plants for water, nutrients, light and space. Most noxious weeds are native to Eurasia and have likely entered the North American continent from ship ballast, contaminated crop seed, as ornamentals, or in infested forage. Environmental, natural and cultural controls such as plant competition, insects, diseases, and intensive grazing have kept these plants from becoming problems in their native habitat. Since these competitive factors and land management practices did not migrate with the plant, noxious weeds in North America grow virtually unhindered. Noxious weeds choke out native and/or beneficial plant species which in turn, decreases the value and productivity of the land. Noxious weeds do not limit themselves to agricultural areas they have also invaded federal, state and private lands. Noxious weeds have the potential to reduce bio-diversity, increase soil erosion, reduce wildlife habitat diminish water quality, reduce forage for livestock, and reduce real estate values.

Noxious weeds are a serious problem in Jefferson County and throughout Montana. The Montana Department of Agriculture defines a noxious weed as any non-native plant that is harmful to agriculture, wildlife, forestry, recreation, endangered species, and other beneficial uses of the land. Listed in this document are the 35 noxious weeds on the State of Montana and Jefferson County Noxious Weed List that landowners are required by law to control as well as 3 Regulated plants that may not be intentionally spread or sold.

The Montana Noxious Weed Control Act, 7-22-2116, states that it unlawful for any person to permit any noxious weed to propagate or to go to seed on his/her property, unless that person adheres to the noxious weed plan of Jefferson County or has entered into and is in compliance with a noxious weed management agreement with the Jefferson County Weed Control District.

The Jefferson County Weed Control Board has established a set of criteria and standards that complies with the Montana County Noxious Weed Control Act for the complaint, enforcement, and control policies of noxious weeds in Jefferson County. This information is contained in the following section along with a complaint form. **The District has no power to enforce weed control laws on plants not listed on the noxious weed list.** If you wish to file a noxious weed complaint with the Jefferson County Weed District, please complete the complaint form and send it to the Jefferson County Weed District Office.

COMPLAINT PROCEDURE

1. When a complaint has been made or the board has reason to believe that noxious weeds described in this part are present upon a person's land within the district, that person must be notified by mail or telephone of the complaint and the board may request inspection of the land. The board or its authorized agent and the landowner or the landowner's representative shall inspect the land at an agreeable time, within 10 days of notification of the landowner. If within 10 days after notification the board is unable to gain cooperation of the person, the board or its authorized agent may enter and inspect the land to determine if the complaint is valid.
"Without permission from the owner or representative any inspection or treatment shall be accomplished by the Weed District only with a court order."
2. If noxious weeds are found, the board or coordinator shall notify the person or the person's representative and seek voluntary compliance with the district noxious weed program. If voluntary compliance or cooperation has not occurred within 10 days of the notification required under this subsection, the person is considered to be in noncompliance and is subject to appropriate control measures pursuant to Montana Code Annotated [7-22-2124](#).
3. **A person is considered in compliance if the person submits and the Board accepts a proposal to undertake specified control measures and is in compliance as long as the person performs according to the terms of the proposal. The proposal must include a requirement that the person notify the board as measures in the proposal are taken. If the measures proposed to be taken extend beyond the current growing season, the proposal and acceptance must be in writing.**
4. **In accepting or rejecting a proposal, the Board shall consider the economic impact on the person and the person's neighbors, practical biological and environmental limitations, and alternative control methods to be used.**
5. If corrective action is not taken within the time specified in Montana Code Annotated [7-22-2123](#) and a proposal is not made and accepted as provided in MCA [7-22-2123](#), the board may seek a court order to enter upon the person's land and institute appropriate control measures. In that case, the board shall submit a bill to the person, itemizing hours of labor, material, and equipment time, together with a penalty not exceeding 25% of the total cost incurred except that a penalty may not be assessed if contact was not made with the landowner or the landowner's representative pursuant to MCA [7-22-2123](#)
6. If a person receiving an order to take corrective action requests an injunction or stay of the corrective action in district court within 10 days of receipt of the order, the board may not institute control measures until the matter is finally resolved, except in case of an emergency. In that case, the person is liable for costs as provided in subsection 5 (above) only to the extent determined appropriate by the board, commissioners, or court that finally resolves the matter. **NOTE:** Detection and immediate action to eradicate Priority 1 Noxious Weeds is considered an emergency.
7. **NOTE: The Jefferson County Weed Control District will use herbicides that are labeled for the site. Landowners must also realize that follow up treatments will be necessary to manage the noxious weeds.**

Montana Noxious Weed List

Priority 1A	<p>These weeds are not present in Montana. Management criteria will require eradication if detected; education; and prevention.</p> <ul style="list-style-type: none"> - Yellow starthistle (<i>Centaurea solstitialis</i>)
Priority 1B	<p>These weeds have limited presence in Montana. Management criteria will require eradication or containment and education.</p> <ul style="list-style-type: none"> - Dyer's woad (<i>Isatis tinctoria</i>) - Flowering rush (<i>Butomus umbellatus</i>) - Japanese knotweed complex (<i>Polygonum spp.</i>) - Purple loosestrife (<i>Lythrum spp.</i>) - Rush skeletonweed (<i>Chondrilla juncea</i>) - Eurasian watermilfoil (<i>Myriophyllum spicatum</i>) - Scotch broom (<i>Cytisus scoparius</i>) - Curlyleaf pondweed (<i>Potamogeton crispus</i>)
Priority 2A	<p>These weeds are common in isolated areas of Montana. Management criteria will require eradication or containment where less abundant. Management shall be prioritized by local weed districts.</p> <ul style="list-style-type: none"> - Tansy ragwort (<i>Senecio jacobaea</i>) - Meadow hawkweed complex (<i>Hieracium spp.</i>) - Orange hawkweed (<i>Hieracium aurantiacum</i>) - Tall buttercup (<i>Ranunculus acris</i>) - Perennial pepperweed (<i>Lepidium latifolium</i>) - Yellowflag iris (<i>Iris pseudacorus</i>) - Blueweed (<i>Echium vulgare</i>) - Hoary alyssum (<i>Berteroa incana</i>)
Priority 2B	<p>These weeds are abundant in Montana and widespread in many counties. Management criteria will require eradication or containment where less abundant. Management shall be prioritized by local weed districts.</p> <ul style="list-style-type: none"> - Canada thistle (<i>Cirsium arvense</i>) - Field bindweed (<i>Convolvulus arvensis</i>) - Leafy spurge (<i>Euphorbia esula</i>) - Whitetop (<i>Cardaria draba</i>) - Russian knapweed (<i>Centaurea repens</i>) - Spotted knapweed (<i>Centaurea stoebe</i> or <i>maculosa</i>) - Diffuse knapweed (<i>Centaurea diffusa</i>) - Dalmatian toadflax (<i>Linaria dalmatica</i>) - St. Johnswort (<i>Hypericum perforatum</i>) - Sulfur cinquefoil (<i>Potentilla recta</i>) - Common tansy (<i>Tanacetum vulgare</i>) - Oxeye daisy (<i>Chrysanthemum leucanthemum</i> or <i>Leucanthemum vulgare</i>) - Houndstongue (<i>Cynoglossum officinale</i>) - Yellow toadflax (<i>Linaria vulgaris</i>) - Saltcedar (<i>Tamarix spp.</i>)
Priority 3	<p>Regulated Plants: (NOT MONTANA LISTED NOXIOUS WEEDS)</p> <p>These regulated plants have the potential to have significant negative impacts. The plant may not be intentionally spread or sold other than as a contaminant in agricultural products. The state recommends research, education and prevention to minimize the spread of the regulated plant.</p> <ul style="list-style-type: none"> - Cheatgrass (<i>Bromus tectorum</i>) - Hydrilla (<i>Hydrilla verticillata</i>) - Russian olive (<i>Elaeagnus angustifolia</i>)
Priority 4	<p>Jefferson County Listed Noxious Weeds. Management shall be prioritized by Weed District.</p> <ul style="list-style-type: none"> - Baby's Breath



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NOXIOUS WEED COMPLAINT FORM

Date _____

1. _____
Name of Person making the complaint

(Address) (City) (State) (Zip) (Phone)

2. _____
Name of Respondent (person with the noxious weed infestation)

(Address) (City) (State) (Zip) (Phone)

3. Location and size of Noxious Weed Infestation _____

4. Explain the nature of the complaint and the situation surrounding it. Include the noxious weeds present, and the specific location of the complaint. Use landmarks, lot numbers, or legal descriptions. Sketch a map on the back of this sheet showing the location of the noxious weed infestation(s).

5. If complaint is located within a subdivision:

a) List the Homeowners Association contact person and phone number:

b) Provide a copy of the subdivision covenants regarding noxious weed control.

c) Has the Homeowner Association been contacted regarding the infestation?

Yes No

d) Explain the Homeowner Association's response to contacting respondent regarding the noxious weed infestation: _____

(Signature of person filing complaint) _____

**Sketch Map of Area showing Weed Locations
Please attach photo(s) of the weed infestations**

